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October 29, 2009

VIA FACSIMILE & FEDERAL EXPRESS

Thomasenia Duncan, Esquire
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 6226

Re: John Garamendi and Garamendi for Congress

Dear Ms. Duncan:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against John Garamendi ("Garamendi") and Garamendi for Congress ("the Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and more specifically, for violation of the disclaimer requirements for television communications authorized by candidates set forth in 11 CFR § 110.11(c)(3)(iii).

I. Facts

Garamendi for Congress is the authorized principal campaign committee for John Garamendi. The Committee filed FEC Form 1 Statement of Organization on June 2, 2009 for the 2009 special election for the U.S. House of Representatives for California's 10th Congressional District, and filed an amended version of that FEC Form 1 Statement of Organization on June 16, 2009. John Garamendi filed his FEC Form 2 Statement of Candidacy on June 3, 2009, and, according to the FEC website, inexplicably re-filed his FEC Form 2 Statement of Candidacy on June 16, 2009, September 21, 2009, and September 29, 2009.

On Monday, October 26, 2009, an advertisement reportedly paid for by the Committee began running on cable stations ("the Advertisement"). The text of the Advertisement is included herein as Attachment A. The disclaimer at the end of the Advertisement reads "Paid for by Garamendi for Congress."

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II. Relevant Law

A public communication is defined, in part, as a "communication by means of any broadcast, cable or satellite communication...or any other form of general public political advertising." 11 CFR § 100.26. All public communications made by a political committee are required to include a disclaimer. 11 CFR §110.11(a). Radio and television commercials authorized by candidates are subject to specific disclaimer requirements not applicable to advertisements using other forms of media. 11 CFR §110.11(c)(3). Advertisements authorized or paid for by a candidate or the authorized committee of a candidate transmitted by television or through any broadcast, cable, or satellite transmission must include both an oral statement that identifies the candidate and states that he or she has approved the communication, as well as a similar written statement, containing the same information, that appears in clearly readable writing at the end of the television communication. 11 CFR 110.11(c)(3)(ii), (iii).

III. Legal Analysis

The disclaimer on the Advertisement does not comply with FEC regulations. The Advertisement should be immediately removed from the airways, and John Garamendi and the Committee should be cited for their failure to comply with Federal law and FEC regulations.

The Advertisement certainly qualifies as a public communication. It began airing on the Comcast network in the California Bay Area on Monday, October 26, 2009, and is scheduled to air through November 3, 2009. Because the Advertisement indicates that the communication was paid for by Garamendi for Congress, the Advertisement must contain a disclaimer that complies with FEC regulations.

The Advertisement does include an oral statement identifying the candidate and stating that the candidate approved the communication. However, the Advertisement fails to comply with FEC regulations and include a written statement conveying the same information. While the written statement states that the Committee paid for the Advertisement, the written statement fails to indicate that John Garamendi approved the communication.

The written disclaimer on the Advertisement fails to comply with FEC regulations. The unlawful Advertisement must be immediately pulled from these stations and the Committee should be cited for its failure to comply with applicable regulations.

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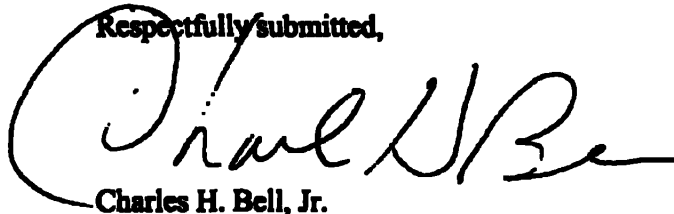
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IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, John Garamendi and Garamendi for Congress have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations as described herein. Accordingly, we respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

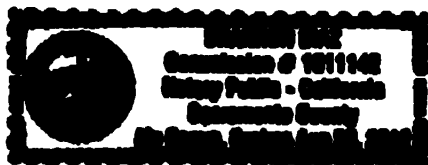
The foregoing is correct and accurate to the best of my knowledge, information and belief.


Respectfully submitted,


Charles H. Bell, Jr.

State of California
County of Sacramento

Scribed and sworn to before me on this 29th day of October, 2009
by Charles H. Bell, Jr. proved to me on the basis of satisfactory evidence to be
the person(s) who appeared before me.




Notary Public Signature
My Commission Expires: 8/26/2012

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ATTACHMENT A

Garamendi for Congress
Advertisement Script

ANNOUNCER: Like pennies, each election has two sides. For Congress, on one side is Lieutenant Governor John Garamendi. A thirty year fighter for public schools. On the other is conservative Republican David Harmer, who wrote a book that proposes ending public education. He also supports privatizing social security and cutting Medicare. John Garamendi will fight for seniors and stop any attempt to privatize or weaken social security and Medicare. We don't want the bad penny. November third John Garamendi for Congress. The right experience when we need it the most.

JOHN GARAMENDI: I'm John Garamendi, and I approve of this message.

Written disclaimer: Paid for by Garamendi for Congress.

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